

Notice of Allowability

Application No.

09/368,354

Examiner

Joseph R. Pokrzywa

Applicant(s)

BUCKLEY ET AL.

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply dated 5/9/06.
2. ☒ The allowed claim(s) is/are 1-21 and 23 (renumbered as claims 1-22, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



JOSEPH R. POKRZYWA
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's response was received on 5/9/06, and has been entered and made of record.

Currently, **claims 1-21, and 23** are pending.

2. Applicant's arguments, see pages 1-5, filed 5/9/06, with respect to independent claims 1, 10, and 23, which was cited in the Office action dated 4/18/06 as being anticipated by (U.S. Patent Number 5,402,245, cited in the Office action dated 4/18/06), have been fully considered and are persuasive. The examiner concedes that Motta fails to expressly teach of allowing both the at least one first color and the second color to be separately included in the overmarked pixels in the same raster image, and achieving undercolor reduction, by reducing only a value corresponding to a reduced amount of an underlying material, as Motta reduces each of the color components. Therefore, the rejection of claims 1, 10, and 23, under 35 U.S.C.102(b) as being anticipated by Motta *et al.*, has been withdrawn.

Allowable Subject Matter

3. **Claims 1-21 and 23** are allowed (renumbered as claims 1-22, respectively).

4. The following is an examiner's statement of reasons for allowance:

Regarding **claims 1, 10, and 23(renumbered claims 1, 10, and 22, respectively)**, in the examiner's opinion, it would not have been obvious to have the method and system generate information that designates overmarked pixels, performs a raster image processing to create a raster image of the color image, whereby the raster image processing includes an overmarking

Art Unit: 2625

processing that allows both a first color and a second color to be separately included in the overmarked pixels in the same raster image, and modifying the image data by reducing only a value corresponding to a reduced amount of underlying marking material. The prior art fails to expressly disclose each of these features, and the examiner can find no motivation to combine the various prior art to have the claimed invention. Upon reconsideration, the previously noted reference of Motta *et al.* (U.S. Patent Number 5,402,245, cited in the Office action dated 4/18/06), the examiner concedes that Motta fails to expressly teach of allowing both the at least one first color and the second color to be separately included in the overmarked pixels in the same raster image, and achieving undercolor reduction, by reducing only a value corresponding to a reduced amount of an underlying material, as Motta reduces each of the color components. Further the previously cited reference of Klassen (U.S. Patent Number 5,515,479, which was cited in the Information Disclosure Statement 9/1/99), fails to expressly disclose of performs a raster image processing to create a raster image of the color image, whereby the raster image processing includes an overmarking processing that allows both a first color and a second color to be separately included in the overmarked pixels in the same raster image, and modifying the image data by reducing only a value corresponding to a reduced amount of underlying marking material. Further, the newly cited reference of Ebner *et al.* (U.S. Patent Number 5,894,358) fails to expressly disclose of reducing only a value corresponding to a reduced amount of underlying marking material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ebner *et al.* (U.S. Patent Number 5,894,358) discloses an adaptable color density management system; and

Klassen ("Reducing Ink Coverage in Binary CMYK Images", IS&T's 46th Annual Conference Proc., 1993, pages 302-304) discloses a method of reducing marking material in a printing process, but fails to expressly teach or performs a raster image processing to create a raster image of the color image, whereby the raster image processing includes an overmarking processing that allows both a first color and a second color to be separately included in the overmarked pixels in the same raster image, and modifying the image data by reducing only a value corresponding to a reduced amount of underlying marking material.

Conclusion

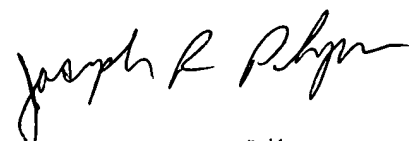
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2625

jrj


JOSEPH R. POKRZYWA
PRIMARY EXAMINER